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THE
AMERICAN LAW REGISTER
AND
REVIEW.

MAY, 1894.

A CITIZEN'S VIEW OF THE STATE OF AFFAIRS
IN SOUTH CAROLINA.

BY A CITIZEN OF SOUTH CAROLINA.

There has everywhere, and always, existed a feeling of disquiet among rural populations when thinking of and dealing with the people of towns and cities. The attrition of numbers gives a certain quickness and polish, acquired unconsciously, by the dwellers in towns, and the countryman, in spite of his good sense, often yields to envy and jealousy; forgetting that many of the ablest thinkers of the State are from the country. There can be no denial that this jealousy, however unworthy, has more or less force in all communities. Such feeling prevailed in a greater degree in Georgia and South Carolina than perhaps any other of the States. These States being very largely agricultural were fruitful fields for its development.

The sea-coast of South Carolina, from commercial interests was thrown into close communication with many foreign countries, and they sent their citizens as commercial agents to reside in Charleston. There were in that city many French, English, Spanish, German, Scotch and Irish merchants. Many of them were traveled and highly educated men. The influence of these men and of numbers of Charleston's citizens educated

in Europe had a beneficial influence on Charleston's people in their refinement and intelligence, though it provoked an exacerbation of rural feeling.

There was in South Carolina, in common with some other States, a mode of education that in late times has been much interfered with. It was due to the social nature of the people. It was the oral instruction received from friendly intercourse and at the table. Meals were not, as a habit, hurried through, but traditions of the family, of the acts of past and present local leaders, anecdotes of public men, were accompaniments often enjoyed by children and friends—for the table was for the whole family, young and old. It was to this custom, probably, that the intense pride of South Carolinians in their State was in great measure owing. They venerated its history and its heroes and they loved their State. It may seem a very small affair to insist on the value of sentiment to a community, but no Commonwealth can be properly governed or its people happy without the sentiment of home love and home pride.

During the late war, and for some ten or more years after, the schools in South Carolina were deficient in competent instruction to its youth. The poverty of the people, the breaking up of families and the hand to mouth mode of life caused by the upheaval of the so called "Reconstruction" made it difficult for the young men to become mentally well developed and to acquire trained, disciplined minds. The youth of those years are now at the front. They have the vigor and energy of manhood, and are called upon to take their part in public affairs. They are honest and well meaning. Many of them are readers and creditably informed, but unfortunately they have not been students. Their minds are not disciplined, and they do not understand the reasons of things, the fundamental principles that underlie knowledge. Such men are very useful, but are unsafe as leaders. They do not know how far to go. They speak well but do not always act well.

For several years past the farming population of the State has been unusually discontented. Although the farmers had

improved their impoverished condition since the war and the State was gradually getting a set of well to do citizens and farmers, the progress was not fast enough to suit the restless and ambitious. The speakers and leaders in the Alliances, earnest but not good business men, persuaded the farmers that they were imposed upon and robbed on all sides. They claimed that middlemen made fortunes out of the farmers, and this the honest and hard working, but two readily trusting farmers believed, as they were disheartened by the low prices for their crops, and their consequently lessened credit with the monied men. They were ready to run counter to all the laws of trade, in their eagerness to better their supposed lamentable condition. This restlessness and disquiet means something in South Carolina for the farmers as voters count, it is said, more than half of the State.

It will be perceived that lately there was in South Carolina that natural sense of uneasiness, or, if you prefer, of disdain, between the country people and the town people, and that the greater portion of the State, that part lying away from the sea-coast, was very sensitive in its estimate of its low country brethren. It is true that the up-country complained of the sea-coast's undue representation in the Legislature, but that is now adjusted and all sections are equal. It is to be noticed that State pride was very great and devotion to the State's interests was absorbing to all its citizens. We find also that while there were still many men of thorough education left in the State, there was, and is coming into view and action, a new set, who, while equally honest and true as those experienced men, now becoming aged and passing away, have not had the educational advantages and are not mentally so skilled as their predecessors. One should keep in mind also that the Alliance agitation, low prices and want of business tact have made a dissatisfied rural population. Understanding these things we can easily find how the present rule in South Carolina originated.

In the year 1890, a few men in the up-country met and determined they would attempt to make a new order of things in the State.

They issued a manifesto or address to the people. As a literary production it was not perhaps classic, but as a wire pulling device it was consummate. It was addressed to all of the conditions of the State and people which have been alluded to. These wire pullers represented no committee of any party or politics. They were self appointed and they called for a convention, which convention at its meeting "suggested" a candidate for Governor. The regular Democratic convention, which metafterwards, adopted the "suggestion" and nominated Tillman. Tillman was the inspiration of the whole matter. The wire pullers said he was the only man to carry out the policy of the manifesto. The regular Democrats had been so astonished at what had been done, not dreaming at first of the success of the policy, that they were inactive until too late. On the publishing of the address, for a while, there was a pause. The office seekers waited to see the strength of the new party, which called themselves Reformers. But when it was found that the farmers were carried away by the promise to them of low taxes and of having their rights, whatever they were, these time servers joined what was thought to be the stronger side, for the farmers as a class could poll more votes than all the other people of the State put together. The campaign commenced. The people were told that they had never had freedom. They had been living under an aristocracy, plutocracy, oligarchy, or some other terrible government. They, the people, and especially the farmers, had been deprived of office and their rights. The rich were the rulers. There was nothing to be proud of in the history of the State. A few families had been in possession of all authority for long years. Offices and places in the Legislature were held by lawyers and the chief citizens of the towns and cities. There was a corrupt ring governing the whole State. And it was insinuated that if Tillman and his friends should be elected, that foul dealings would be unearthed and the State purified. Tillman was the organizer and leader of the campaign. With ability he possesses that indescribable power of so-called magnetism. Although a little rough, with occasional profanity in his language, he soon acquired immense influence with the peo-

ple in the country, and even preachers of the Gospel believed in him. He had good speakers with him, some actuated by the purest motives, but perhaps misguided by his influence, or their want of experience; some doubtless only for spoils.

When the election came off the whole vote was small. Many people refused to vote under the circumstances, thinking the madness of the hour would work its own cure in a few months. That he was the man of power and almost the only stay of the movement is clearly illustrated by the sarcasm, that the candidates were holding on to Tillman's skirts, and "coat-tail swingers" was the common epithet applied to them by the inactive and disheartened opposition. Tillman was made Governor, but his election has been sad for the State in many things. He has set the countryman against his neighbor in the town. He has aroused an antipathy in the upper districts of the State against the low country. The chief cities of the State, especially Charleston and Columbia, are held up as vicious and domineering, and the centre of capital and the money force, and as the agents and friends of "Wall street," that dreadful hobgoblin by which politicians frighten their children. State pride has received a heavy blow. Education has had severe injury. At the start of the campaign there is no doubt of the intention of cutting down the appropriations to the University in Columbia, and the Military School in Charleston, but Tillman saw he was going too far, and let these institutions alone. He persuaded the people he was greatly interested in education, and he is so, and they believe he gave Clemson College as an agricultural school for farmer's sons. Perhaps Clemson College would have been stronger if Tillman had never had anything to do with it. The campaign, besides what related to State matters, was founded on the Alliance's doctrines, the Ocala platform, Jeffersonian democracy, or whatever the speakers thought would suit the audiences they addressed. When the Legislature met, Tillman's triumph was complete. This Legislature was not like the others that met in Columbia. Most of the able men who had for years given their abilities to the public service were absent.

New jejeune men filled their places, and the farmers were jubilant at their showing in numbers never before reached.

During the canvass the prohibitionists obtained permission from the managers of election in the State to put at the polling places a box to test the prohibition strength in the State. It was not authoritative and many voters paid no attention to it. The votes did not, I believe, reach a fourth of the votes of the State, but a large majority was in favor of prohibition. No campaign whatever was made for or against prohibition, yet some enthusiasts in the Legislature claimed it was the duty of that body, on this informal vote, to take action. Some keen witted man, believed to be Tillman, saw the opportunity of making a revenue for the State and seized it. A *quasi* temperance plan was passed through the House, but in the Senate another plan or bill was substituted in the last days of the session, hurried back to the House, and passed. It was put in operation for six months, but found to be so defective that another bill was passed at the last session in December, 1893. These made what was called the Dispensary Law. The prohibitionists were perplexed. While there were some good things in the law, it did not prevent drinking. It only changed the mode and places of drinking. The corner shops were broken up, and men could not get a drink at will but had to take trouble to obtain spirits, and could not get them after 6 P. M., nor on Sunday. So far this was excellent. But no liquor could be sold in less quantities than one-half pint and only in bottles or jugs and could not be drunk at the dispensary. The consequence was that men got drunk at home, and not in public bar-rooms, and often by having more than a drink in their bottles would take more than they intended.

The idea that the Dispensary Law was to promote temperance is a sham. The men who engineered it probably hoped and expected that it should be a money making business for the State, so that the promises of lower taxation should be carried out. They put such large profits on the sales that they have encouraged "blind tigers" to competition. Had a small percentage been charged, the "tigers" would have had

no inducement to run risks, and the expense for the insult for an army of spies would have been avoided. That profit was the chief object can be seen, from the fact that the larger the sales the greater the profits. In order to increase sales, the dispensaries were multiplied as fast as possible. Very little regard was paid to the general sentiment of a township or community. A petition with a certain proportion of signatures was only necessary for a dispensary, and everybody knows how easy it is to get signatures to a petition. There had been many places which local option law had made dry. Dispensaries were put in some of these places, to be followed by the spread to others; and spirits were brought to doors, from which they had before been miles away. The interest of the State was to sell and pocket the profits, and Tillman says he has the interests of the State at heart. In the liquor business he has shown it, buying the liquor himself, trying to put a State brand upon the packages, pushing the business and doubtless causing the law to be so framed as to make him chairman of the central board, the "front and offence" of the whole thing.

What has been the effect of this law upon the life of the citizens? In this respect good, that a few men are restrained. On the whole, bad. A law that holds out inducements to men to get round it is bad. It makes cheats and liars of good citizens. The people, especially the young, lose sense of truth and right. An old gentleman in a country district, who is eighty-six years of age, found the use at times of Hostetter's Bitters serviceable to him. He had none. His family asked a clerical friend in some town where it could be clandestinely had to send him a bottle. As Tillman's agents had the right to examine all freight and confiscate liquors, this bottle was sent by train done up as "Darby's Prophylactics." A clergyman and the family of an elder in the church thought their action, under the circumstances, right, and it was and is in the mind of any properly thinking person. Some clergyman hold that every time the communion is administered the law is violated. What are clergymen with

these ideas to do? Cider and medicine with a certain proportion of alcohol are prohibited.

No one in South Carolina could keep liquors of any kind in his house without having permission of the State. There are many persons who have had wine and spirits in their houses for years, maybe precious by inheritance. Nevertheless, such ones must get a certificate signed by the chief dispenser in Columbia, saying that such articles were bought for the parties own use. These certificates were sent the agents where there were dispensaries.

It may be asked how is such a law enforced, whence the power. The law is Tillman, it its inception and in its working, and for the advancement of Tillman. The case is taken as it existed before the late decision of the Supreme Court. He worked it, and to his suiting. Although Governor of the State, he bought the stuffs himself, the chief dispenser seeming only to obey his orders. He, under the law, organized a force of constables, some of them reputed to be unworthy men, whom we armed with pistols and Winchester rifles, and ordered from place to place, now Charleston, now Sumter, now elsewhere, to inspect and search railroad stations, steamers, the baggage of travelers; anything they suspected. When they scented game they broke open what baffled them, refusing to pay damages, though nothing contraband was found, and whether it was in a house, or in a depot, it was all the same to them. Even in Charleston people, with demijohns of artesian water, were stopped and the vessels were uncorked and smelled, in the public streets in broad daylight.

With any other man than Tillman as Governor such a condition of affairs could not last, if indeed it could under him. He is astute and knows how to gain his ends. He, under pretense that there was no correct list in Columbia of the notaries public, announced that all such commissions should expire at a certain time, and persons wishing to be notaries must apply to him. The fee from each notary was three dollars, and now they are all fresh, and well behaved, as their

commissions are at his pleasure. The dispensary system is a great political machine. Each county has its board of three, appointed by the central board in Columbia, of which Tillman is chairman, all removable by the board. Each county board appoints the county dispenser. The trial justices were informed that they must issue warrants to the constables or spies upon application. So Tillman is trial justice-in-chief on dispensary, and all other questions. Tillman's hand is felt everywhere and always. The Legislature, being composed of men elected with him, and through his campaign work, have hitherto done his bidding. He feels he has strong backing, and apparently it is so. Many begin now to think that his power is waning, and that his vindictive and arbitrary rule will pass. Force is his mode of action. When the spies first commenced their work in Charleston, there was obloquy and jeering given them. A collision between citizens and the constables was barely avoided. Instead of leaving the matter in charge of the mayor or sheriff, Tillman telegraphed to a military captain asking if his company could be relied on to obey orders. This threat of force was insulting to the municipal authorities, for no actual outbreak had occurred and the sentiment of the community was against violence. In Darlington the "spies," about a half dozen, none of them belonging to the place, were allowed to search the old drinking houses, but the citizens were determined that no private residences should be searched.

The search over, the "spies"¹ went to the railroad station. There two boys got into a street fight. The chief of police, who had come to the station, arrested them, and matters would have been quiet but for the meddling of one of the constables. He was pointed out to the chief as having interfered in the fight, taking sides. He made an improper remark about the informer, who, thereupon gave him back the lie. The constable at once fired on the man who was seated and

¹ The word "spies" is commonly used by the people in Carolina toward this class of constables and is employed here to illustrate the feeling toward them.

had shown no weapon, and killed him. The very few citizens who were armed prepared for defence. There were not more than twenty citizens in all at the station, and they retreated before the more than dozen well armed "spies," and in turn the constables, expecting the people of Darlington, a mile distant, to come in numbers to avenge the death of its two slaughtered citizens, hastened to get away and took to the woods. Tillman says he had a request for troops, but has never definitely said who the parties making the request were, and he ordered troops from Charleston and Columbia. These companies refused to be made parties to such proceedings, for they knew as much as Tillman did about the situation and thought the Darlingtonians should be left to their own civil officers, who declared they could keep the peace. Tillman made a party issue, declaring that the conduct of Darlington and the militia was opposition to him. He worked very hard and aroused his up-country adherents to the belief that he was the victim of conspiracy. Force was his object and he obtained it. Implicit obedience was demanded as the duty of the soldier. In this country, a nation of "sovereigns," it is the pride of the people that they are to think for themselves.

In his letter of May 1, 1894, to Capt. Phelps, of the Sumter Militia Company, Gov. Tillman, in speaking of disobedience of soldiers to orders of the Commander-in-chief, says: "And no citizen-soldier can ever question his commands till they are of such an outrageous kind as to override law, decency and justice." Why should not the citizen-soldiers of Charleston, Columbia and elsewhere be as good judges of "law, decency and justice" as Gov. Tillman? Some of them were veterans of the late war, and knew more of military life and matters than did Tillman, who never saw service. They exercised the right that, as citizens, even Tillman accords them. Whether it was prudent or not time will tell.

"The law gives the constables, when armed with proper warrants from the civil authorities, the right to search private residences for the seizure of contraband liquor." These "proper warrants" can be taken out on "information and belief." The trial justices have been instructed to allow no

delay when applied to. The "spies" a number of times had entered and searched with these "proper warrants" houses where nothing contraband was found. As the warrants were easily obtained, and had often failed of results, the public came to believe that under the spy system "information and belief" meant nothing more than suspicion, and that malice helped that suspicion. Under the impression that no one's house was safe, can it be wondered at that self-respecting citizens should chafe under such a tyranny!

Gov. Tillman has published, in the May number of the *North American Review*, an article which he calls "Our Whiskey Rebellion." This shall help us to portray our view of affairs in South Carolina since his administration. He says: "In the fall of 1892, the General Assembly passed the Dispensary Act as a compromise between the wishes of the ultra-prohibitionists and the whiskey people." One would infer from this that the people of the State had discussed prohibition and laws for or against it. The Dispensary Act, or the thought of it, was never before the people for their voice or vote. In the approaching summer the people, for the first time, will have full opportunity of using their voices and votes for or against the Dispensary Law or a like law. The whole matter was a job in the Legislature for revenue, hurried through at the end of the session of 1892 and repaired at the next session of 1893.

To what has been before said of the profits made by the advanced prices on the sales of whiskey, it may be added that the law was so framed that the proportion of profits due the towns and cities where there was a police, could be sequestered by the State Board of Control in Columbia, of which Tillman was chairman, and turned over to the State, on the pretext that the local police did not properly enforce the law, the board being sole judge and jury. The board did sequester, and surely it was for revenue to the State.

Besides the unrest under the Dispensary Law, there was feeling against Tillman among the best-informed men of the State. Let Tillman speak. The "old Bourbon element," (whatever that may mean, though it sounds well applied to

people you do not like). "The old Bourbon element had control of the press and the banks. Among them were the best trained intellects of the State, and these all kept warring upon the new order of things," which new order of things was Tillmanism. How strange that the ability and best-trained minds of the State should war on Tillmanism! There must be reason for it. The banks and finances, intricate subjects, very little understood and often misrepresented, had been heavily used by Tillman and his friends to batter Bourbonism. Tillman has disturbed and disrupted all the old lines of politics with the masses of the people. He gives a new nomenclature to parties or the factions from the old parties. It is now "Tillman" and "anti-Tillman," as he says in his "Rebellion." "Every daily paper in the State, save one, is under control of the 'antis,' as they are called." Herein again he admits that a large force of intellect is opposed to him, since the daily press usually employs the very best intellects. Tillman was elected when the vote of the State was not a very large one. He did get a large majority of those taken, but the vote seems to have been by classes. Hear him again: "I was elected by an overwhelming majority, the greater part of my support coming from the agricultural classes, which had until then been practically deprived of a voice in the selection of the officers of the State Government." This sad deprivation of the selection of officers appears very odd in view of the fact that the farmers constitute the majority of the voters of the State.

The Governor, speaking of these constables at Darlington, says: "They had no intention of searching any residences" He declares this after his "Rebellion." But not one word of this kind could be had from him before it; he would give no assurance of security, though he knew all the people of the State were in a ferment lest their homes should be invaded. He knew the legality of the Dispensary Law was before the Supreme Court, and would be soon decided. He could not, however, be patient and wait the issue. His nature is to override opposition, and he involved the whole State in the risk of bloodshed, where already too much had been spilled through

the agencies of his administration. He accuses the people of Darlington of a conspiracy: "The leaders of the conspirators spread abroad reports that the constables were there for the purpose of searching private houses without warrants." The people of Darlington, doubtless, held the same view with their fellow-citizens elsewhere, that these "proper warrants" were to be taken on "suspicion." There was excitement, as was to be expected under the circumstances. But the constables made their searches without harm, except a little abuse to be naturally expected, and they were joined by eighteen others by order of Tillman. Thus twenty-three men, heavily armed with Winchester rifles and pistols, in a time of peace, were sent into a community which would have, doubtless, been at peace and quiet but for their presence. Supposing the population of Darlington to be 2300—a large estimate—there was a constable to every 100 of its inhabitants, men, women and children, in that small town. Let us make the calculation for a place of greater size—say, for Philadelphia—which has a larger population, but which, for easy counting, we will limit to 1,000,000. This would give 10,000 men. What would the people of that city say or do if the Governor of Pennsylvania were to send to Philadelphia a force of 10,000 well armed men, strangers to the city, to enforce the liquor laws, and that dram houses and private residences were to be treated alike. More than this, beside the twenty-three constables, a company of forty-two militia, also armen, were ordered to Darlington at the same time with these twenty-three. That there was no necessity for all this, hear what Captain Phelps, of the militia company, says: "Arriving at Darlington, I immediately reported to the sheriff, who stated to me that he was not aware that we had been ordered to Darlington, and that he had not requested the aid of the military, and that he had no instructions from Governor Tillman in reference to my company." Again, he reports to the Governor: "From all I could hear, and from personal investigation and observation. . . . I have reported to sheriff. Everything quiet. See no reason for keeping us

here. Sheriff says he has no orders for our command." This was before the killing in Darlington; and even after it, it does not appear that the peace and order of the place was beyond the control of the civil authorities. It is true they had sent out civil posses, larger than usual, after the constables engaged in the killing, for it was known that they were reckless men and well armed, and a bloody fight was expected. The spies escaped, but the excitement throughout the State was intense as soon as Tillman ordered out the militia in force and siezed the telegraph lines and the railroads. There would probably have been good order but for Tillman's rashness. Some believe that Tillman had long designed and was watching for an opportunity for a military coup.

The excitement was great throughout the State, but it was particularly so in Columbia and the two counties of Darlington and Sumter. The Governor, after he had called out troops, kept in Columbia a force of three hundred men, "mostly volunteers, who had taken their horses from the plough and shouldering their shot-guns, hastened to sustain the government of their choice." Infatuated Governor! the choice of the farmers, whom he uses, honest but too credulous, to control the citizens of a town and the capital of the State.

Very many of the people of the towns and cities were dissatisfied with Tillman and the Dispensary Law, thrust upon them by a "coup." The two go together. The law was considered to be arbitary and unconstitutional. It was supposed to be enacted for revenue. It gave too much patronage to the Governor, for, as Chairman of the State Board of Control, he ruled its many agents throughout the State. It created a new order of constables, appointed and removed by the Governor at his will. The people were restive under the meddling authority of Tillman. They felt him in everything. He did break up one political ring, but rings, under our system, must always be, and Tillman soon established a worse ring in himself. Except in a few places beyond his control, it is said no man can obtain a State office without

his consent. Every trial justice must obey his will or lose his place. The Governor kept armed men going from place to place in time of peace. The alumni and friends of the schools and colleges were and are afraid of his interfering with them to their injury. Tillmanism has already greatly damaged the State University. The towns and cities were made to feel his hostility, which was so bitter as to be unconcealed and which threatens them always. The people's business has suffered, real estate is depressed, and the politics of the past and present drives capital, so sensitive, to other marts. Vine culture and the manufacture of light wines, growing industries of the State, have been checked, perhaps destroyed. The citizen, accustomed to pleasant beverages, had little choice, but was obliged to take what the dispensary offered, good, bad or indifferent. He has divided the State into factions, the factions being classes. He has excited the jealousies of the rural and town people. These are some of the causes that disturb the ill-governed State of South Carolina.

Tillman's "Rebellion" shows with how slight a sense of propriety he rules, and exposes his plan, if needs be, to rule and subdue to his will the people. He openly proclaims: "Had I deemed it necessary I could, in forty-eight hours, after issuance of the call, have had an armed force of ten thousand farmers at my command." What an admission to make for an honest, brave, intelligent ruler, who should have at heart the welfare of all classes. And it is the farmers again. The merchants, professional men, capitalists, mechanics, bankers, railroad men and all the like weigh little with Tillman.

Force has been used, and it looks as if it is intended to be used by Tillman when it suits him. The new military companies, now forming at Tillman's suggestion, already approach one hundred in number. They are chiefly formed in the country districts, and are partly armed with weapons taken from the town companies. What does it mean? Is he preparing for the election campaign in the summer, when a new Legislature is to be chosen? The new Legislature is to elect a United States Senator, an office to which Tillman aspires. He is to stump the State against the present

incumbent, Senator Butler, and the contest is expected to be a very bitter one. What is the use and purpose of this unusual and rapid organization of militia?

Mr. McLaurin, a Tillmanite, and Congressman from South Carolina, says of Tillman's genius that it is "essentially destructive." The *Aikon Journal Review* comments thus on the remark: "Tillman has destroyed good feeling between the people of the State, he has destroyed confidence in the State, he has about destroyed the State altogether." If Tillman could be dropped out of sight and hearing, South Carolina, in a few months, would again be peaceful happy and prosperous.

LIQUOR LEGISLATION IN SOUTH CAROLINA.

By JOHN H. INGHAM, ESQ.

On December 24, 1892, the General Assembly of South Carolina passed an "Act to prohibit the manufacture and sale of intoxicating liquors as a beverage within this State except as herein provided." This act provides for the appointment by the Governor of a commissioner who shall purchase all intoxicating liquors for sale in the State and furnish them to County Dispensers, after they have been tested and declared to be pure and unadulterated. He shall not receive from the Dispensers more than fifty per cent. above the net cost, and this amount is to be paid to the State Treasurer every month, and on this fund he is to draw for all necessary expenses, and in all his actions he is to be subject to the rules and orders of a State Board of Control, composed of the Governor, the Comptroller-General and the Attorney-General. Before entering upon his duties he is to execute a bond to the State Treasurer in the penal sum of \$10,000 for the faithful performance of such